STATUS OF AGE OLD PARENTS AND SENIOR CITIZENS A CRITICAL STUDY OF LAWS GOVERNING FAMILY RELATIONS WITH SPECIAL REFERENCE TO THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007

SYNOPSIS
OF THE PROPOSED TOPIC, RESUME OF THE TOPIC,
SUBMITTED TO

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1. INTRODUCTION

Man, who is the subject of law, is a social animal. Family is the basic unit of the society. Family comprises members. A typical role is assigned to each member of the family. Each member has certain rights and liabilities, akin to his role. Nowadays, with the changing socio-economic conditions role shift is a common phenomenon. Shifting of role has a direct bearing on the nature of relations amongst the family members. Change in family relations and resultant conflict of interest leads to disputes amongst family members. We need support. Family is the best support system, it comes with birth. However due to modernization, whole family institution is at the risk of extinction. We left joint family system far behind. We have developed, rather invented, nucleus families, comprising mostly three to four members. In nucleus families strong support system is lacking. In absence of strong support system, human beings usually becomes self centred. This loneliness causes biological (health related) as well as psychological problems.

Due to lack of support system, chances of mediation and conciliation becomes very hard to resort to. On the contrary legal battles are fought for years together. The judgement passed after the trial will be in favour of either of the parties. However, during the legal fight both the parties lose their productive years of life. Disturbed families is a serious concern. From the point of view of parents and elderly it is worse. It has devastating effects primarily on family as an institution and ultimately on social solidarity. Age old parents of a family are the senior citizens of the country.

The present study aims at critically analysing the existing laws governing family relations and status of parents.

2. NEED OF THE STUDY & STATEMENT OF PROBLEM

There are reports in the news papers that, heinous and gruesome crimes, like robbery and murder are being committed against the senior citizens. There is a growing

concern about the safety and security of senior citizens. However, merely expressing concern will make no change in the existing situation. History shows that senior members of society had great respect. Father and Mother were the God and Goddess. Parents were treated on par with God. However, in recent times, parents are residing in old age homes and the children in Bungalows. This is certainly a change in the mores of society. We have social interest legislations for the oppressed and marginalized. Scope of family laws is widened for the cause of justice. However, there is a little scope for ageing parents.

In this regard it is necessary to see that at the international level also the problem is addressed in various documents. UN General Assembly Resolution 47/5 declared to observe 1999 as International Year of Older Persons. The Madrid Plan of Action, United Nations Principles for Senior Citizens, the Proclamation on Ageing and the global targets on ageing for the Year 2001, the Shanghai Plan of Action 2002 and the Macau Outcome document 2007 are the efforts made at

global level for ageing old persons and senior citizens. The Government of India is a signatory to all these documents.

Government of India announced The National Policy on Older Persons in the year 1999. In the later years, various schemes like.. pensions, travel concessions, income tax relief, medical benefit, extra interest on savings, security of older persons, Old Age Homes, Day Care Centres, Medical Vans, Help Lines etc are being implemented by central as well as state governments.

Recently, Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is passed. However, the provisions of the said legislation are not sufficient to meet the challenges faced by the ageing parents and senior citizens.

In spite of all these efforts at the international as well as national level status of ageing parents and senior citizens has not been changed. This provided a back ground and positively provoked to undertake research in the area. It is a much less explored subject. Securing rights of parents in the

family system will automatically result in to strengthening high status of senior citizens in the society. There is urgent need to shift the view point. There is need to study existing provisions of laws governing family relations from the stand point of parents. There is a need to understand the implications of various laws, governing family relations, on the status of parents.

3. HYPOTHESIS

Corresponding to the objectives, following set of hypothesis is developed.

A. If factors shaping human behaviour are to be taken into consideration while making laws governing family relations, there will be little possibility of conflict of interest amongst family members.

B. If parents are given special legal status, whole family system will be strengthened.

C. Nuclear family is the cause of all problems faced by ageing parents and senior citizens.

D. Existing laws are and legal provisions are misused to the detriment of age old parents.

E. Lack of sensitisation in the matters of ageing parents and senior citizens is contributing to the problem.

F. Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is not sufficient to meet the challenge.

4. IMPORTANCE OF THE STUDY

There are various laws which govern relations between family members. There are provisions, if not separate laws, for almost every possible dispute that might arise in the family, like.. marriage, divorce, bigamy, adultery, cruelty, succession, inheritance, maintenance, adoption, guardianship etc. etc. The research work undertaken by the researcher is to critically study those provisions from the stand point of aged parents. Pros and cons of those provisions and the status of age old parents. In addition to this a comparative study of the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is also undertaken to analyse whether the

provisions of the said act are adequate to address the problems.

This is an area much less explored. There is little material available on the topic. Therefore, the research work will not only be helpful to the ageing parents and senior citizens to find solutions but will also be helpful to advocates and policy makers. It will help generate new ideas and to strengthen family relations and pave a way towards social solidarity.

5. OBJECTIVES

Age old parents of the family are the senior citizens of the society. Human being is the subject of law. Laws are meant to govern human behaviour, particularly, the external conduct. Marriage is an institution where a man and a woman unite to form the family. They, together, look after their offsprings. Family is the base of the society. Society is the replica of the family. Laws governing family relations can be well enacted, applied and amended only if the factors like, biological, psychological, natural, social, economic etc. which shapes, prompts and governs human behaviour as an individual, as a

father, as a mother, as a son, as a daughter etc are studied. Where necessary impact of these factors is studied in order to ascertain root of the problems and find ultimate solutions.

The object of the research is to study pros and cons of existing laws, governing family relations and their ultimate result on age old parents and senior citizens.

6. METHODOLOGY

The researcher has conducted doctrinal research by use of document analysis and cases for present research.

In studying this topic, the researcher is going to adopt doctrinal method of research. Various books on anthropology, biology and sociology will be utilised for study. News items and articles will be adhered to for collecting data regarding crimes against elderly. Reports of various international as well as national committees and commissions are also one of the source of collecting data. In addition to the all the above, academic and law journals, statutory enactments, case laws are also the source of data essential for conducting

research. The data so collected will be analysed, interpreted and comparatively studied in the light of statement of problem and hypothesis and objectives.

7. LIMITATIONS

Major limitation are time and resources. The methodology may also be a limitation. Data collection will be one of the challenges, non-availability of specific data might put some limitations on the research. The restrictions on to way of presentation and number of pages may compel the researcher to restrict himself. One of the inevitable limitation will be adaptability and practical application.

8. SCHEME OF TENTATIVE CHAPTERS:

Chapter - 1 - Introduction.

Chapter - 2 - This Chapter focuses on the concept of person as a subject of law. Theories of evolution of human being and the law is also dealt with in this chapter.

Chapter - 3 - In this chapter concept of family is discussed.

Customs and usages governing family relations in various periods, and status of parents in those days is the focal point herein.

Chapter - 4 - Critical analysis of Codified laws governing family relations is the main theme of this chapter.

Chapter - 5 - This chapter aims at comparative study of Muslim and Hindu law.

Chapter - 6 - In this chapter various provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 are analysed.

Chapter - 7 - Conclusion.

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